



Janet Napolitano  
Governor

## STATE OF ARIZONA **Structural Pest Control Commission**

9535 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258-5514  
(602) 255-3664 - (602) 255-1281 fax  
<http://www.sb.state.az.us>

Lisa Gervase  
Executive Director

### **SUBSTANTIVE POLICY STATEMENT POLICY NUMBER 2004-002 (Effective 10/12/2007)**

Pursuant to A.R.S. § 41-1001 (20), this substantive policy statement provides the SPCC's approach to, or opinion of, the requirements of SPCC statutes, A.R.S. §§ 32-2312(A) and 32-2314(A), and A.A.C. § R4-29-201(F), and the SPCC's current practice, procedure or method of action based upon this approach or opinion. This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

#### 32-2312. Applicator licenses; application; categories; renewal; inactive licenses

- A. An application for an applicator license shall be in a form prescribed by the commission and accompanied by the prescribed fee. The application shall set forth whether the applicant has ever been convicted of a felony and, if so, the nature of the felony, when and where it was committed and the disposition of the conviction.
  
- D. An applicator shall be of good moral character.

#### 32-2314. Qualifying party; license; examination; inactive status; temporary license

- A. An application for a qualifying party license shall be in a form prescribed by the commission and accompanied by the prescribed fee. The application shall set forth whether the applicant has ever been convicted of a felony and, if so, the nature of the felony, when and where it was committed and the disposition of the conviction.
  
- C.3. An applicant for qualifying party licensure shall: Be of good moral character.

#### R4-29-201. Activities that Require a License; General Provisions

- F. Under A.R.S. § 32-2312(D), an applicant for licensure is required to be of good moral character. The Commission shall deny a license to an applicant determined

not to be of good moral character. In determining whether an applicant is of good moral character, the Commission shall consider whether the applicant:

1. Committed an act, which, if committed by a licensee, would be grounds for disciplinary action against the licensee;
  2. Has been convicted of a felony or a misdemeanor, or
  3. Cheated on a licensing examination.
- I. This policy statement applies when the SPCC is deciding whether to grant a license to an applicant who has been convicted of a felony or misdemeanor involving moral character.
- A. The SPCC likely will deny licenses to applicants who have been convicted of the following crimes, but each application is considered on its own merits:
1. First or Second Degree Murder
  2. A Dangerous Crime Against a Child, including: sexual abuse, aggravated assault, molestation, kidnapping, child abuse, murder, prostituting a child, attempted murder.
  3. Sexual Assault-related Offenses
  4. Aggravated Manslaughter
  5. Rape
  6. Kidnapping
  7. Trafficking in illegal drugs
  8. Misdemeanors involving moral turpitude (i.e. dishonesty, theft, fraud, falsification)
- B. The SPCC may deny licenses to applicants who have been convicted of the following felonies or misdemeanors:
1. Arson
  2. Burglary
  3. Theft/Fraud/Falsification type offenses
  4. Aggravated or Armed Robbery
  5. Assault or Aggravated Assault
  6. Domestic violence related offenses
  7. Substance abuse related offenses
  8. Misdemeanors involving moral character (see section II, below)
- C. The SPCC may deny licenses to applicants who do not truthfully answer the felony question on an application or renewal.
- D. The SPCC may make the following inquiries when determining whether to grant licenses to applicants who have been convicted of crimes; as relevant to the particular offense involved:
1. When did the offense occur?
  2. What led to the offense being committed?
  3. Was the conviction less than five years before the date of the application?
  4. Was a weapon involved in the offense?
  5. Was a minor involved as a victim?

6. Was this a crime involving elder abuse?
7. Are there any outstanding fines, restitution, or other terms of criminal probation?
8. Was the conviction of an "aggravated" offense? If so, why? (ie: an "aggravated DUI" generally means that there were prior DUI convictions within a short time).
9. If the applicant was sentenced to prison, was the applicant released less than three years before the date of the application?
10. Was the applicant convicted of any other felonies or misdemeanors involving moral character (see section II, below)?
11. Was alcohol or drugs involved?
12. Did the offense occur in/around a school, church, private home?
13. Is the applicant still on probation (release of a defendant to the supervision of the county??)?
14. Was the applicant placed on "intensive" probation? If so, this generally means that the applicant failed to comply with prior terms of their sentence or probation.
15. Is the applicant still on parole (release of a defendant to the supervision of the state)?
16. Does the applicant currently use alcohol/drugs?
17. If the offense was alcohol/drug related, what rehabilitation has occurred?
18. Was the applicant's offense/offenses plea-bargained to lesser charges?
19. Has the applicant received anger management, alcohol/drug counseling?
20. Employment history?
21. Educational background?
22. Support systems?
23. How old was applicant when committed offense(s)?
24. What is applicant's current employment?

## **II. MISDEMEANORS INVOLVING MORAL CHARACTER\*/\*\*\***

1. Armed Robbery
2. Aggravated Assault
3. Assault involving Domestic Violence
4. Burglary
5. Carrying a Concealed Weapon
6. Child Abuse
7. Disorderly Conduct
8. Fraud
9. Extortion
10. False Claim
11. False Reporting
12. Falsification of Records
13. Forgery
14. Hit and Run (Leaving the scene of an accident)
15. Indecent Exposure
16. Kidnapping
17. Larceny

18. Perjury
19. Possession for Sale/Unlawful Sale or Dispensing of Narcotics or Controlled Substances
20. Prostitution or Solicitation of Prostitution
21. Rape/Sexual Assault
22. Sale/Trafficking of Narcotics or Controlled Substances
23. Shoplifting
24. Theft

\*Applicants convicted of these offenses must disclose them at the time of application. If you have any doubt whether your type of conviction must be disclosed, disclose it for the Commission to consider.

**MISDEMEANORS NOT INVOLVING MORAL CHARACTER\*\*/\*\***

1. Assault (Simple, not involving Domestic Violence)
2. Contracting Without a License
3. Cruelty to Animals
4. Desertion from the Military
5. DUI (Driving Under the Influence), DWI (Driving While Intoxicated) or OWI (Operating While Intoxicated)
6. Drunk and Disorderly Conduct
7. Jaywalking
8. Littering
9. Obscene Dancing
10. Possession of Marijuana
11. Property Damage (not involving Domestic Violence)
12. Reckless Driving
13. Resisting Arrest
14. Selling Liquor to Minors
15. Traffic Offenses (i.e. speeding, parking violations, other moving violations)

\*\*Applicants are NOT required to disclose these offenses. If you have any doubt whether your type of conviction must be disclosed, disclose it for the Commission to consider.

**\*\*\*Please note that neither list contains a complete listing of all possible misdemeanors considered or not considered by the Commission. If the crime you have been convicted of is not listed on either list, disclose it for the Commission to consider.**

Pursuant to A.R.S. §41-1013 (B)(14) and A.A.C. §R1-1-210, this substantive policy statement shall be filed with the Arizona Secretary of State and published in the *Arizona Administrative Register*.